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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/494,801	01/31/2000	Arthur L. Gaudette	INTL-0314-US(P7997)	3975

7590 09/25/2002

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EXAMINER

DETWILER, BRIAN J

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 09/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/494,801

Applicant(s)

GAUDETTE, ARTHUR L.

Examiner

Brian J Detwiler

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-11 and 13-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-11 and 13-23 is/are rejected.
- 7) ☒ Claim(s) 1 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 11 June 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

### **DETAILED ACTION**

The examiner wishes to thank the Applicant's representative, Timothy Trop, for taking the time for a telephone interview on September 10, 2002. The pending claims were discussed in an effort to place the application in condition for allowance. Upon further examination, however, new details were discovered that warrant a new rejection.

#### ***Specification***

The disclosure is objected to because of the following informalities: Line 1 of the abstract should read "Software **is** provided" instead of "Software **may be** provided".

Appropriate correction is required.

#### ***Claim Objections***

Claims 1 and 23 are objected to because of the following informalities:

In claim 1: line 4, "enabling a system" should be replaced with "enabling **the** system" to maintain proper form.

In claim 23: line 5 "different" should be replaced with "difference".

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 21-23 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S. Patent No. 6,366,933 (Ball et al).

Ball discloses in column 1: lines 50-57 an invention for comparing a cached and a current version of a document. Ball further illustrates in Figures 11 and 12 that the documents used for comparison are Internet web pages. Additionally, in column 19: lines 1-10, Ball discloses a method for showing the differences between two Internet web pages, wherein only the differences are displayed on the screen. Said method corresponds to the claimed limitation of “blanking the common material”.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-11, and 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,366,933 (Ball et al) and U.S. Patent No. 5,142,619 (Webster, III).

Referring to claims 1, 2, 4, 6, 8, 9, 11, 13, 15, and 20, Ball discloses in column 1: lines 50-57 and further illustrates in Figures 11 and 12 an invention for comparing cached and current versions of an Internet web page. Ball's invention inherently operates on processor-based systems with storage media for storing program instructions. In Figure 12, Ball even discloses a button labeled "DIFF" that, upon actuation, causes the differences between the cached and current versions of the Internet web page to be displayed on the screen. Ball, however, fails to disclose a navigation bar with a subtract button image. Webster discloses in column 4: lines 5-32 an invention for comparing two files wherein a compare button [66] is implemented in an editing program's action bar [62]. The action bar is interpreted to correspond to the claimed navigation bar since both are toolbars designed to operate in the context of a file comparison program. The compare button [66], upon actuation, causes only the differences between the two files to be displayed on the screen in window W3. As illustrated in Figure 4, compare button [66] uses a textual label for identification. Although the compare button [66] does not contain a subtract button image, the button behaves in a similar manner to the button in the claimed invention. Additionally, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify compare button [66] by changing the label to an image of a minus sign. Applicant has not disclosed that the minus sign image provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with a

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textual label because the button's behavior would remain the same. Therefore, it would have been obvious to one of ordinary skill in the art to modify Ball's invention to use a minus sign image instead of a textual label. Finally, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the "DIFF" button disclosed by Ball with the compare button on a navigation bar as disclosed by Webster. A navigation bar with a compare button would improve Ball's invention because the button would always be visible in a location where users would expect to find buttons for performing various actions on Internet web pages.

Referring to claims 3 and 10, Ball discloses in column 19: lines 1-10, a method for showing the differences between two Internet web pages, wherein only the differences are displayed on the screen. Said method corresponds to the claimed limitation of "blanking the common material".

Referring to claims 7, 14, and 19, Ball illustrates in Figure 11 that differences are presented to the user as an HTML file in a web browser. Assuming that a user is viewing the current version of a web page before requesting that the differences be displayed, he or she could toggle between displaying the difference version and the current version simply by using "back" and "forward" functions well known in the art of web browsing.

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Referring to claims 16-18, Ball illustrates in Figure 12 a button image (labeled DIFF), that upon actuation, causes a cached version and a current version of an Internet web page to be differenced and the results displayed on the screen, as shown in Figure 11.

### *Conclusion*

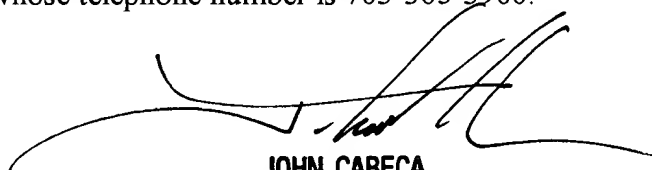
The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach alternative methods for indicating the differences between versions of a document/web page.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J Detwiler whose telephone number is 703-305-3986. The examiner can normally be reached on Mon-Thu 8-5:30 and alternating Fridays 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Cabeca can be reached on 703-308-3116. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

bjd  
September 19, 2002

  
**JOHN CABECA**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100